

COPY FOR IB

10/30796

## PATENT COOPERATION TREATY

## PCT

REC'D 11 FEB 2005

WIPO

PCT



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003PCT01	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/KR2003/002091</b>	International filing date (day/month/year) <b>10 OCTOBER 2003 (10.10.2003)</b>	Priority date (day/month/year) 10 OCTOBER 2002 (10.10.2002)
International Patent Classification (IPC) or national classification and IPC  <b>IPC7 B25B 13/10</b>		
Applicant  <b>CHOI, Ock-Soon</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the report
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  <b>16 APRIL 2004 (16.04.2004)</b>	Date of completion of this report  20 JANUARY 2005 (20.01.2005)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer  KIM, Byung Nam  Telephone No. 82-42-481-5423 

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/002091

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
 pages 1-15, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages 16-18, as originally filed  
 pages NONE, as amended (together with any statement) under Article 19  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
 pages 1-9, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_
- ☒ the sequence listing part of the description:  
 pages NONE, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☒ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed." and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/002091

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-8	YES
	Claims	NONE	NO
Inventive step (IS)	Claims	1-8	YES
	Claims	NONE	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims	NONE	NO

### 2. Citations and explanations (Rule 70.7)

Reference is made to the following documents from the International Search Report (ISR):

- D1: JP-A-7-164336
- D2: US-A-5,148,725
- D3: US-A-4,893,528
- D4: JP-A-2000-334668

1) The present invention relates to a spanner capable of tightening or releasing a bolt continually in one direction by a toggle bar pivotally mounted on one of the two jaws of the spanner head in a state that the toggle bar is urged to pivot toward one direction.

2) Documents D1 to D4 disclose a ratchet-action open-ended spanner for use in tightening and loosening a hexagonal nut or a similar rotatable element. The spanner according to document D1 among these documents is characterized in that the turning movement of a turning movement mouth with a handle rocked allows the nut to be quickly fastened/loosened.

3) More specifically, document D1 specifies that the spanner, which is made up of a handle B with a fixed mouth 1 and of a turning movement mouth A fastened to the handle with a shaft C, can impart a thrusting force when the nut is rotated, and that in case of threaded engagement the nut can be pushed in the direction of thrusting while being rotated.

4) For the analysis of the novelty and the inventive step, although document D1 is considered to represent the most relevant state of the art, the document D1 does not teach a spanner having a toggle bar pivotally mounted on one of the two jaws, disclosed in claim 1 of the present invention, comprising: a lever; a first jaw extending from an end of the lever; a second jaw spaced from the first jaw to form a pair of jaws and having a recess therein; a toggle bar pivotally mounted in the recess by a pivot pin and having an inner end portion and an outer end portion; and an urging member having one end supported by a wall of the recess and the other end supporting the outer end portion of the toggle bar for urging the toggle bar to pivot toward its inner end portion.

(Continued in the supplemental box.)

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/002091

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of:

Box V.

5) As mentioned above, the documents D1 to D4 do not individually disclose all of the features of claim 1. Accordingly, the subject matter of independent claim 1 of the present application seems to be novel (PCT Article 33(2)).

6) More specifically, none of the documents D1 to D4 teaches or fairly suggests a spanner capable of tightening or releasing a bolt continually in one direction by a toggle bar pivotally mounted on one of the two jaws of the spanner head in a state that the toggle bar is urged to pivot toward one direction. Accordingly, it is not considered to be obvious to a person skilled in the art to apply the knowledge of these documents individually or in combination in order to create the open-end ratcheting spanner according to claim 1. Therefore, said claim 1 appears to involve an inventive step in the sense of PCT Article 33(3) as well.

7) Further, none of the documents D1 to D4 teaches or fairly suggests any of the other alternatively claimed embodiments. Therefore, claims 2-8 meet the requirements of PCT Article 33(2) and 33(3).

8) Claims 1-8 have industrial applicability (PCT Article 33(4)).